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Part IV—Proceedings of the Madras Legislature

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Act of the Madras Legislature.

The following Act of the Madras Legislature received the assent of His Excellency the Governor-General on the 28th March 1938 and is hereby published for general information:—

ACT No. V OF 1938.

An Act to provide for the control of traffic in public places in the Province of Madras.

WHEREAS it is expedient to enable the Provincial Government to make provision for the control of traffic in public places in the Province of Madras, and for that purpose further to amend the Madras City Municipal Act, 1919, the Madras District Municipalities Act, 1920, the Madras Local Boards Act, 1920, the Indian Motor Vehicles Act, 1914, in its application to the Province of Madras, and the Madras Motor Vehicles Taxation Act, 1931; It is hereby enacted as follows:—

Madras Act IV of 1919. Madras Act I of 1920. Madras Act IIV of 1920. III of 1914. Indian Act II of 1931.

1. (1) This Act may be called the Madras Traffic Control Act, 1938. Short title, extent and commencement.

(2) It extends to the whole of the Province of Madras.

(3) This section shall come into force at once, and the rest of this Act shall come into force on such date as the Provincial Government may, by notification, appoint

Definition.

2. In this Act, 'Public place' means a road, street, way or other place, whether a thoroughfare or not, to which the public are granted access or over which they have a right to pass and includes—

(*a*) in the City of Madras, a public street as defined in clause (20) of section 3 of the Madras City Municipal Act, 1919; Madras Act IV of 1919

(*b*) in a municipality governed by the Madras District Municipalities Act, 1920, a public street as defined in clause (21) of section 3 of that Act; and Madras Act V of 1920.

(*c*) in a local area governed by the Madras Local Boards Act, 1920, a public road as defined in clause (18) of section 3 of that Act. Madras Act XIV of 1920.

Power of Provincial Government to make rules for the control of traffic.

3. The Provincial Government may, after previous publication, make rules to provide—

(*a*) for the regulation of the use of any public place and the closing thereof or parts thereof; and

(*b*) for the regulation of traffic in any public place or its reservation for particular kinds of traffic.

Penalty for breach of rules.

4. In making any rule under section 3, the Provincial Government may provide that a breach thereof shall be punishable—

(*a*) with fine which may extend to fifty rupees and, in case of a continuing breach, with fine which may extend to fifteen rupees for every day during which the breach continues after conviction for the first breach; or

(*b*) with fine which may extend to ten rupees for every day during which the breach continues after receipt of notice from an officer empowered in that behalf by the Provincial Government, to discontinue such breach.

Amendment of Madras Act IV of 1919.

5. In the Madras City Municipal Act, 1919—

(i) sub-clauses (*b*) and (*c*) of clause (8) of section 349 shall be omitted and sub-clause (*d*) of that clause shall be relettered as sub-clause (*b*); and

(ii) in clause (9) of the same section, after the words " public or municipal places ", the following words shall be added, namely:—

" but not including the regulation of traffic therein, the reservation thereof for particular kinds of traffic, or the closing thereof or parts thereof to traffic."

Amendment of Madras Act V of 1920.

6. In the Madras District Municipalities Act, 1920—

(i) section 174-A shall be omitted;

(ii) in section 300, sub-clauses (*b*) and (*c*) of clause (8) shall be omitted and sub-clause (*d*) of that clause shall be relettered as sub-clause (*b*);

(iii) in the same section, in clause (9), after the words " public or municipal places " the following words shall be added, namely:—

" but not including the regulation of traffic therein, the reservation thereof for particular kinds of traffic, or the closing thereof or parts thereof to traffic "; and

(iv) in Schedules VII and VIII, the entries relating to section 174-A shall be omitted.

Amendment of Madras Act XIV of 1920.

7. In the Madras Local Boards Act, 1920—

(i) section 166 shall be omitted;

(ii) in section 202, sub-clauses (*a*) and (*b*) of clause (5) shall be omitted and sub-clause (*c*) of that clause shall be renumbered as clause (5);

(iii) in the same section, in clause (6), after the words " places vested in a local board ", the following words shall be added, namely:—

" but not including the regulation of traffic therein, the reservation thereof for particular kinds of traffic, or the closing thereof or parts thereof to traffic."; and

(iv) in Schedules VIII and IX, the entries relating to section 166 shall be omitted.

Amendment of Act VIII of 1914 in its application to the Province.

8. The Indian Motor Vehicles Act, 1914, shall in its application to the Province of Madras, be construed as if the rule-making power conferred by section 11 of that Act extended to the following matters, namely:—

"(*a*) The prescription of the conditions subject to which, and the fees (if any) on payment of which, motor vehicles or any class of such vehicles may be used in public places, generally or in any particular public place.

(*b*) The constitution for each district of a transport authority and the prescription of its powers and functions including, in particular, its powers and functions in regard to—

(i) the issue or the authorization of the issue of prescribed permits in respect of motor vehicles or any specified class of motor vehicles, for their use in all, or any, public places in the district;

(ii) the determination of the areas in the district on the routes or public places situated in which, or of the routes or public places in the district on which, motor vehicles or any specified class of motor vehicles may be used; and

(iii) the restriction of the number of motor vehicles or of any specified class of motor vehicles to which permits may be issued in respect of such areas, routes or public places.

(*c*) The constitution of a central transport authority for the Province and the prescription of its powers and functions including, in particular—

(i) its powers and functions in regard to motor traffic extending over the jurisdiction of two or more of the transport authorities referred to in clause (*b*), and the exercise of the powers and functions of, and the control to be exercised over, such authorities in respect of such traffic; and

(ii) its appellate jurisdiction in respect of orders passed by the transport authorities referred to in clause (*b*).

(*d*) The powers of the Provincial Government to control the central transport authority referred to in clause (*c*) and the prescription that the decisions and orders of such authority—

(i) shall not be liable to be questioned in any Civil Court by suit or otherwise; and

(ii) shall be final except in so far as they may be set aside or revised by the Provincial Government.

(*e*) The powers of the Provincial Government to control the transport authorities referred to in clause (*b*) and the prescription that the decisions and orders of such authorities shall not be liable to be questioned in any Civil Court by suit or otherwise

(*f*) The prescription of a limit of speed in respect of motor vehicles or any specified class of motor vehicles, generally or in any particular public place.

(*g*) The empowering of any authority to limit by general or special order the speed at which motor vehicles or any specified class of motor vehicles may be driven, generally or in any particular public place."

Amendment of Madras Act III of 1931.

9. In the Madras Motor Vehicles Taxation Act, 1931—

(i) in section 2, the following shall be added at the end of clause (iii), namely:—

" and 'motor lorry' includes a goods vehicle, that is to say, a motor vehicle constructed or adapted for use for the carriage of goods or a motor vehicle not so constructed or adapted which is habitually used for the carriage of goods and not of passengers

Explanation.—The expression 'goods' includes merchandise, wares, burden of any description and movable property other than personal luggage."

(ii) in the same section, clause (viii) shall be renumbered as clause (viii-*b*) and the following shall be inserted as clause (viii-*a*), namely:—

" (viii-*a*) 'laden weight' in relation to a motor vehicle means, in case a permit is issued to the vehicle in pursuance of the

rules made by the Provincial Government under the Indian Motor Vehicles Act, 1914, the maximum laden weight specified in such permit, if no such permit is issued, the maximum laden weight specified in the registration certificate of the vehicle, and if such weight is not specified in such certificate, the maximum laden weight of the vehicle determined in such manner as the licensing officer may deem fit. VIII of 1914.

'laden weight' in relation to a trailer means, in case a permit is issued to the vehicle to which the trailer is attached in pursuance of the rules made by the Provincial Government under the Indian Motor Vehicles Act, 1914, the maximum laden weight specified in such permit in respect of the trailer, if no such permit is issued, the maximum laden weight specified in respect of the trailer in the registration certificate of the vehicle to which the trailer is attached, and if such weight is not specified in such certificate, the maximum laden weight of the trailer determined in such manner as the licensing officer may deem fit.";

VIII of 1914

(iii) for sub-section (1) of section 10, the following sub-section shall be substituted, namely :—

"(1) (*a*) From the proceeds of the tax collected under this Act every year, the following credits and payments shall be made in the order mentioned below:—

(i) *Firstly*, there shall be credited to the Provincial Government the expenses of collecting the tax.

(ii) *Secondly*, there shall be credited to the Provincial Government the cost incurred by them in exercising their administrative functions in regard to the control of motor vehicles in the Province.

(iii) *Thirdly*, there shall be credited to the Provincial Government a sum equivalent to the average annual income derived by them during the three years

ending on the 31st day of March immediately preceding the commencement of the Madras Traffic Control Act, 1938, from additional fees levied under the Indian Motor Vehicles Act, 1914, on motor vehicles plying on Government roads in the Province.

VIII of 1914.

(iv) *Fourthly*, there shall be paid to each district board and to each municipal council a sum equivalent to the average annual income derived by such board or council during the three years ending on the 31st day of March immediately preceding the commencement of the Madras Traffic Control Act, 1938, from fees on licences granted to motor vehicles under section 160 of the Madras Local Boards Act, 1920, or section 174-A of the Madras District Municipalities Act, 1920, as the case may be.

Madras Act XIV of 1920
Madras Act V of 1920.

(v) *Fifthly*, there shall be paid to each local body which at the commencement of this Act was levying tolls or vehicle tax on motor vehicles or both, a sum equivalent to the average annual income derived by such local body during the three years ending on the 31st day of March 1931, from such tolls or vehicle tax on motor vehicles, or both, as the case may be, and there shall also be credited to the Provincial Government a sum equivalent to their average annual income during the said three years from all tolls levied by them in the Province.

(*b*) The Provincial Government shall determine the sums which should be credited to themselves or paid to local bodies under sub-clauses (i) to (v) of clause (*a*), and their determination shall be final.";

(iv) in sub-section (2) of the same section, for the expression "sub-section (1)", the expression "sub-clause (v) of clause (*a*) of sub-section (1)" shall be substituted;

(v) for sub-section (3) of the same section, the following sub-section shall be substituted, namely.—

"(3) If in any year the proceeds of the tax after deducting the sums referred to in sub-clauses (i) to (iv) of clause (*a*) of sub-section (1) fall short of the aggregate of the sums payable to local bodies under sub-clause (v) of the said clause (*a*) and the sum creditable to the Provincial Government under the same sub-clause, such proceeds shall be distributed among the local bodies and the Provincial Government proportionately to the sums determined under clause (*b*) of sub-section (1) as payable to each such local body and as creditable to the Provincial Government, under sub-clause (v) aforesaid, and the deficit shall be made good in the same proportion in the earliest subsequent year or years in which there may be a surplus.";

(vi) for items 3 and 4 of Schedule II, the following items shall be substituted, namely.—

Classes of vehicles.	Maximum quarterly tax					
	For vehicles fitted with pneumatic tyres.			For other vehicles.		
	Rs.	A.	P.	Rs.	A.	P.
"3. Motor lorries—						
(a) Lorries not exceeding 20 cwt. in weight, laden	90	0	0	75	0	0
(b) Lorries exceeding 20 cwt but not exceeding 30 cwt. in weight, laden	105	0	0	150	0	0
(c) Lorries exceeding 30 cwt. but not exceeding 45 cwt in weight, laden	120	0	0	150	0	0
(d) Lorries exceeding 45 cwt. but not exceeding 60 cwt in weight, laden	150	0	0	225	0	0
(e) Lorries exceeding 60 cwt but not exceeding 85 cwt. in weight, laden	180	0	0	270	0	0
(f) Lorries exceeding 85 cwt. but not exceeding 110 cwt in weight, laden	220	0	0	330	0	0
(g) Lorries exceeding 110 cwt but not exceeding 160 cwt. in weight, laden	270	0	0	405	0	0
(h) Lorries exceeding 160 cwt but not exceeding 180 cwt in weight, laden	320	0	0	480	0	0
(i) Lorries exceeding 180 cwt. in weight, laden	360	0	0	525	0	0
(j) Additional tax payable in respect of lorries used for drawing trailers—						
(i) for each trailer not exceeding 20 cwt. in weight, laden	30	0	0	30	0	0
(ii) for each trailer exceeding 20 cwt but not exceeding 60 cwt. in weight, laden ..	75	0	0	112	8	0
(iii) for each trailer exceeding 60 cwt. in weight, laden	150	0	0	225	0	0

Classes of vehicles.	Maximum quarterly tax	
	For vehicles fitted with pneumatic tyres.	For other vehicles.
	Rs. A. P.	Rs. A. P.
Provided that two or more lorries shall not be chargeable under this clause in respect of the same trailer.		
4. Motor vehicles plying for hire and used for the transport of passengers—		
(a) Vehicles licensed under the rules made by the Provincial Government under the Indian Motor Vehicles Act, 1910, to carry in all not more than five persons	30 0 0	100 0 0
(b) Vehicles licensed under the rules made by the Provincial Government under the Indian Motor Vehicles Act, 1914, to carry more than five persons—for every person which the vehicle is so licensed to carry excluding the driver and the conductor .. .	20 0 0	30 0 0";

(vii) for items 3 and 4 of Schedule III, the following items shall be substituted, namely:—

Classes of vehicles.	Maximum tax for vehicles fitted with pneumatic tyres		Maximum tax for other vehicles.	
	For a period not exceeding thirty days.	For a period exceeding thirty days but not exceeding twenty days.	For a period not exceeding thirty days.	For a period exceeding thirty days but not exceeding twenty days.
(1)	(2) Rs. A. P.	(3) Rs. A. P.	(4) Rs. A. P.	(5) Rs. A. P.
"3. Motor Lorries—				
(a) Lorries not exceeding 30 cwt. in weight, laden	6 8 0	24 0 0	22 8 0	87 4 0
(b) Lorries exceeding 30 cwt. but not exceeding 40 cwt. in weight, laden.	12 12 0	50 0 0	25 8 0	95 0 0
(c) Lorries exceeding 40 cwt. but not exceeding 45 cwt. in weight, laden.	20 0 0	60 0 0	30 0 0	90 0 0
(d) Lorries exceeding 45 cwt. but not exceeding 60 cwt. in weight, laden.	20 0 0	75 0 0	37 8 0	138 0 0
(e) Lorries exceeding 60 cwt. but not exceeding 80 cwt. in weight, laden.	30 0 0	90 0 0	53 0 0	156 0 0
(f) Lorries exceeding 80 cwt. but not exceeding 110 cwt. in weight, laden.	36 12 0	110 0 0	53 0 0	156 0 0
(g) Lorries exceeding 110 cwt. but not exceeding 130 cwt. in weight, laden.	45 0 0	135 0 0	67 0 0	198 0 0
(h) Lorries exceeding 130 cwt. but not exceeding 150 cwt. in weight, laden.	52 4 0	153 0 0	80 0 0	240 0 0
(i) Lorries exceeding 150 cwt. in weight, laden.	58 0 0	175 0 0	87 8 0	256 0 0
(j) Additional tax payable in respect of lorries used for drawing trailers—				
(i) for each trailer not exceeding 30 cwt. in weight, laden.	3 0 0	10 0 0	0 0 0	25 0 0
(ii) for each trailer exceeding 30 cwt. but not exceeding 50 cwt. in weight, laden.	12 0 0	37 8 0	15 12 0	54 4 0
(iii) for each trailer exceeding 50 cwt. in weight, laden.	25 0 0	75 0 0	37 0 0	112 8 0
Provided that two or more lorries shall not be chargeable under this clause in respect of the same trailer.				

Clause of vehicles.	Maximum tax for vehicles fitted with pneumatic tyres		Maximum tax for other vehicles	
	For a period not exceeding thirty days.	For a period exceeding thirty days but not exceeding ninety days.	For a period not exceeding thirty days.	For a period exceeding thirty days but not exceeding ninety days.
(1)	(2)	(3)	(4)	(5)
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
4. Motor vehicles plying for hire and used for the transport of passengers—				
(a) Vehicles licensed under the rules made under the Indian Motor Vehicles Act, 1914, to carry in all not more than six persons.	15 0 0	40 0 0	20 0 0	60 0 0
(b) Vehicles licensed under the rules made under the Indian Motor Vehicles Act, 1914, to carry more than four persons—for every person which the vehicle is so licensed to carry.	2 0 0	10 0 0	5 0 0	15 0 0

and

(viii) in item (ii) of sub-section (1) of section 11, after the words ' class of motor vehicles ', the words ' or motor vehicles running in any particular area ', shall be added

Existing by-laws to continue.

10. Notwithstanding anything contained in this Act, all by-laws relating to any of the matters mentioned in section 3 of this Act which have been made under the Madras City Municipal Act, 1919, the Madras District Municipalities Act, 1920, or the Madras Local Boards Act, 1920, and are in force at the commencement of this Act shall continue to be valid, but any such by-law may be cancelled or altered by a rule made under section 3 aforesaid.

Madras Act IV of 1919. Madras Act V of 1920. Madras Act XIV of 1920.

Repeal of Madras Act V of 1931.

11. The Madras Government Roads Traffic Control Act, 1931, is hereby repealed

Power to remove difficulties.

12. If any difficulty arises in giving effect to the provisions of this Act or of the Madras City Municipal Act, 1919, the Madras District Municipalities Act, 1920, the Madras Local Boards Act, 1920, the Indian Motor Vehicles Act, 1914, or the Madras Motor Vehicles Taxation Act, 1931, as amended by this Act, the Provincial Government, as occasion may require, may, by order, do anything which appears to them to be necessary for the purpose of removing the difficulty.

(By order of His Excellency the Governor)

P. APPU NAIR,

Secretary to Government, Legal Department.

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